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NOT FOR PUBLICATION

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Brittian Willie Young,

10 Plaintiff,

11 v.

12 4909 Beverly LLC,

13 Defendant.
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No. CV-16-00961-PHX-JJT

ORDER

15 At issue is *pro se* Plaintiff Brittian Willie Young's Motion for Leave to File
16 Amended Complaint; Application to Proceed in District Court Without Prepaying Fees or
17 Costs; Waiver of Service; Memorandum of Law; Declaration of Brittian Willie Young in
18 Support Thereof (Doc. 5, Mot.).

19 Plaintiff's Motion asks the Court for leave to file an Amended Complaint (Mot. at
20 3), but the Court previously issued an Order granting Plaintiff leave to file an Amended
21 Complaint (Doc. 4), and thus Plaintiff already has permission to do so. Plaintiff's Motion
22 at issue includes allegations that could be characterized as an Amended Complaint. (*See*
23 Mot. at 3–5, 11–16.) Upon review of Plaintiff's allegations, the Court finds Plaintiff has
24 failed to cure the defects in the Complaint. Plaintiff again fails to allege a clear statement
25 of the grounds for this Court's subject matter jurisdiction, as required by Federal Rule of
26 Civil Procedure 8(a). In its previous Order, the Court stated:

27 Unlike state courts, federal courts only have jurisdiction over a
28 limited number of cases, and those cases typically involve either a
controversy between citizens of different states ("diversity jurisdiction") or

1 a question of federal law (“federal question jurisdiction”). *See* 28 U.S.C.
2 §§ 1331, 1332. The United States Supreme Court has stated that a federal
3 court must not disregard or evade the limits on its subject matter
4 jurisdiction. *Owen Equip. & Erections Co. v. Kroger*, 437 U.S. 365, 374
5 (1978). Thus, a federal court is obligated to inquire into its subject matter
6 jurisdiction in each case and to dismiss a case when subject matter
jurisdiction is lacking. *See Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116
(9th Cir. 2004); Fed. R. Civ. P. 12(h)(3).

7 Federal Rule of Civil Procedure 8(a) provides that a complaint must
8 include “a short and plain statement of the grounds for the court’s
9 jurisdiction” and “a short and plain statement of the claim showing that the
10 pleader is entitled to relief.” In other words, to proceed in federal court, a
11 plaintiff must allege enough in the complaint for the court to conclude it
12 has subject matter jurisdiction. *See* Charles Alan Wright & Arthur R.
13 Miller, 5 *Fed. Practice & Procedure* § 1206 (3d ed. 2014). The complaint
must also contain “sufficient factual matter, accepted as true, to ‘state a claim
to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
(2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

14 (Doc. 4 at 2.)

15 Plaintiff provides an Arizona Post Office Box address as his address (Doc. 5 at 10)
16 and states Defendant is an Arizona Limited Liability Company (Doc. 5 at 12). Therefore,
17 it does not appear this Court has diversity jurisdiction because Plaintiff has not alleged
18 that his claim involves a controversy between citizens of different states. *See* 28 U.S.C.
19 § 1332. While Plaintiff cites various constitutional amendments, none provide a short and
20 plain statement of a claim that would give this Court federal question jurisdiction. *See* 28
21 U.S.C. § 1331. Plaintiff has failed to provide a clear basis for this Court’s diversity or
22 federal question jurisdiction. Accordingly, to the extent Plaintiff’s allegations in the present
23 Motion can be characterized as an Amended Complaint, Plaintiff has not cured the
24 defective Complaint. The Court will give Plaintiff an opportunity to file an Amended
25 Complaint, but any Amended Complaint must meet the requirements of the Federal Rules
26 of Civil Procedure.

1 With regard to Plaintiff's Application to Proceed in District Court Without
2 Prepaying Fees or Costs, the Court finds Plaintiff has sufficient means to pay the Court's
3 fees in this case.

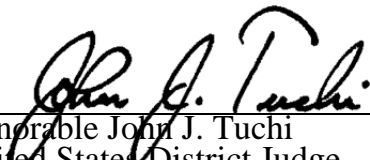
4 IT IS THEREFORE ORDERED denying Plaintiff Brittian Willie Young's
5 Application for Leave to Proceed *in forma pauperis* (Doc. 5).

6 IT IS FURTHER ORDERED that Plaintiff shall pay the Court's fees within 30
7 days of entry of this Order in order to proceed in this case.

8 IT IS FURTHER ORDERED that if Plaintiff does not pay the Court's fees within
9 30 days of entry of this Order, the Clerk shall dismiss this action without further Order of
10 this Court.

11 IT IS FURTHER ORDERED that Plaintiff may file an Amended Complaint that
12 complies with the Federal Rules of Civil Procedure no later than 30 days from the date of
13 this Order. If no Amended Complaint is timely filed, the Clerk shall dismiss this action
14 without further Order of the Court.

15 Dated this 6th day of June, 2016.

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18 Honorable John J. Tuchi
19 United States District Judge
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